

U.S. Patent Application Serial No. 10/765,914  
Response filed March 14, 2005  
Reply to OA dated January 13, 2005

**REMARKS**

Claim 1 has been amended and new claims 3 - 6 have been added in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated January 13, 2005.

Claims 1 - 6 remain in this application.

Claims 1 and 2 stand rejected under 35 USC §112, second paragraph, for the reasons specifically set forth in the second full paragraph in item 2, page 2 of the outstanding Action. The applicants respectfully request reconsideration of this indefiniteness rejection.

As indicated above, claim 1 has been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention, and in order to correct certain informalities therein, including those pointed out by the Examiner.

Accordingly, the withdrawal of the outstanding indefiniteness rejection under 35 USC §112, second paragraph, is in order, and is therefore respectfully solicited.

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As to the merits of this case, 1 and 2 stand rejected under 35 USC §103(a) based on “the applicant[s’] admitted prior art (AAPA)” in view of Oinoue (U.S. Patent Publication No. 2002/0031231). The applicants respectfully request reconsideration of this rejection.

With respect to the primary reference, it is clear that the Examiner has acknowledged that “the applicant[s’] admitted prior art” fails to specifically disclose a distance filter.”<sup>1/</sup>

However, the Examiner specifically relies on Oinoue’s use of a variable attenuator 22 and an LPF 23 for use in its acoustic apparatus.

We note that significant structural arrangements (and advantages or benefits derived therefrom) of the applicants’ invention are in the fact that an adequate adjustment can be made to a sense of distance from a sound source so as to make the sound more natural. That is, in the applicants’ invention, the only necessary operations are: “[1] to manipulate an AUX (quantity of signals transmitted from the post-fader terminal) and [2] a distance filter (*i.e.*, to adjust two adjustment elements).”<sup>2/</sup>

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<sup>1/</sup> See, line 2, page 3 of the outstanding Action.

<sup>2/</sup> See, lines 21 - 24, page 8 of the applicants’ specification.

As to the more specific advantages or benefits derived from the applicants' claimed invention:

the need to adjusting three adjustment elements, as arising in a conventional audio mixing circuit, *i.e.*, to attenuate an audio signal level using a fader, to attenuate high-audio-frequency components of the audio signal using an equalizer, and to adjust the quantity of signals transmitted through AUX from the post-fader terminal can advantageously be obviated.<sup>3/</sup>

This is accomplished by having the distance filter 5, such filter 5 (having the variable attenuator 12 and the low-pass filter 13, in combination, but not necessarily in that order<sup>4/</sup>.

It is clear that the primary reference (*i.e.*, "the applicant's admitted prior art") does not teach the applicants' variable attenuator 12 and the low-pass filter 13, and thus, does not teach the applicants' claimed distance filter for "attenuating or increasing an audio signal level." Although Oinoue teaches variable attenuators 22, 26 and LPFs 23, 27, the attenuators 22, 26 are connected to an audio signal generator 11, while the LPFs 23, 27 are respectively connected to differential amplifiers 21, 25.

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<sup>3/</sup> See, line 24, page 8 through line 3, page 9 of the applicants' specification.

<sup>4/</sup> See, lines 7 - 10, page 7 of the applicants' specification in which it is stated that there is no limitation as to the arrangement of these two components so that "the low-pass filter 13 may [also] be provided in a stage upstream of the variable attenuator 12."

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Accordingly, in order to highlight the distinguishable structural arrangements of the applicants' claimed audio-mixing circuit having the above-discussed claimed elements, the applicants have amended independent claim 1 so as to more particularly recite the structural relationships of the various claimed elements among each other. For example, independent claim 1 now more particularly calls for the claimed distance filter being "operably coupled and cascaded" to the claimed fader.

In view of the above, the applicants respectfully submit that even if, *arguendo*, the teachings of Oinoue can be combined with the teachings of AAPA in the manner suggested by the Examiner, such combined teachings would still fall far short in fully meeting the applicants' claimed invention, as now set forth in independent claim 1. As such, a person of ordinary skill in the art would not have found the applicants' claimed invention, as now set forth in claim 1, obvious under 35 USC §103(a) based on the teachings of AAPA and Oinoue, singly or in combination.

Claim 2 depends on independent claim 1, and further limits the scope of claim 1. Thus, at least for the reasons set forth above with respect to claim 1, claim 2 should now be similarly allowable.

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Accordingly, the withdrawal of the outstanding obviousness rejection under 35 USC §103(a) based on “the applicant[s]’ admitted prior art (AAPA)” in view of Oinoue (U.S. Patent Publication No. 2002/0031231) is in order, and is therefore respectfully solicited.

Moreover, the applicants have added claims 3 and 4, which more positively recite the claimed variable attenuator and low-pass filter, which make up the claimed distance filter. Also, the applicants have added claims 5 and 6, which are directed to the embodiment illustrated in the applicants’ Figure 3.

It is respectfully submitted that claims 3 - 6 are similarly not taught in the cited prior art references, singly or in combination. As such, added claims 3 - 6 should now be similarly allowable.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

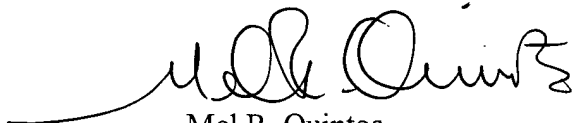
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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